

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERROL W. LONGEE,

Defendant.

CR 04-121-GF-BMM

CR 04-160-GF-BMM

**ORDER**

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on September 16, 2015. Defendant admitted he had violated Standard Condition 7 of his supervised release by using marijuana, he had violated Special Condition 1 of his supervised release by failing to report for substance abuse testing, he had violated Special Condition 2 of his supervised release by failing to report for substance abuse treatment, and he had violated Special Condition 3 of his supervised release by failing to successfully complete sex offender treatment. Judge Johnston found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United

States Bureau of Prisons for a term of imprisonment of two months, with 34 months of supervised release to follow.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commadore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted he had violated Standard Condition 7 and Special Conditions 1, 2 and 3. Defendant could be incarcerated for up to 24 months on each count. For each count, he could be ordered to remain on supervised release for 36 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of three to nine months. A sentence of two months in custody, followed by 35 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 42 in Cause CR 04-121-GF-BMM, Doc. 28 in Cause CR 04-160-GF-BMM)

are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 1st day of October, 2015.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line extending from the end of the name.

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Brian Morris  
United States District Court Judge